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## MINISTRY OF LAW

New Delhi, the 22nd October, 1951

The following Act of Parliament received the assent of the President on the 20th October, 1951 and is hereby published for general information:—

### THE BENARES HINDU UNIVERSITY (AMENDMENT) ACT, 1951

No. LV of 1951

An Act further to amend the Benares Hindu University Act, 1915

[20th October, 1951]

Be it enacted by Parliament as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Benares Hindu University (Amendment) Act, 1951.

(2) Sections 15 and 16 shall come into force at once and the remaining provisions of this Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions.

2. **Substitution of certain expressions for certain other expressions in Act XVI of 1915.**—In the Benares Hindu University Act, 1915 (hereinafter referred to as the principal Act), whenever an expression mentioned in column 1 of the Table hereunder occurs then, unless otherwise expressly provided in this Act, there shall be substituted therefor the expression set opposite to it in column 2 of the said Table

#### TABLE

1	2
Benares Council Regulations Senate	Banaras Executive Council Ordinances Academic Council

**3. Substitution of new sections for sections 4, 5 and 6 in Act XVI of 1915.**—For sections 4, 5 and 6 of the principal Act, the following sections shall be substituted, namely —

*"1 University open to all classes, castes and creeds.—The University shall be open to persons of either sex and of whatever race, creed, caste or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted therein, as a teacher or student, or to hold any office therein, or to graduate therent, or to enjoy or exercise any privilege thereof, except in respect of any particular benefaction accepted by the University, where such test is made a condition thereof by any testamentary or other instrument creating such benefaction.*

Provided that nothing in this section shall be deemed to prevent religious instruction being given in the manner prescribed by the Ordinances to those who have consented to receive it.

**4A. Powers of the University.**—The University shall have the following powers, namely —

(1) to provide for instruction in such branches of learning as the University may think fit, and to make provision for research and for the advancement and dissemination of knowledge;

(2) to promote Oriental studies, and in particular Vedic, Hindu, Buddhist and Jain studies, and to give instruction in Hindu religion and to impart moral and physical training;

(3) to hold examinations and to grant and confer degrees and other academic distinctions to and on persons who—

(a) shall have pursued a course of study in the University or in an institution maintained under sub-section (1) of section 15 or admitted to the privileges of the University under sub-section (2) of that section, or

(b) are teachers in educational institutions, under conditions laid down in the Statutes and the Ordinances, and shall have passed the examinations of the University under like conditions, or

(c) being women, shall have pursued a course of private study and shall have passed the examinations of the University under conditions laid down in the Ordinances;

(4) to confer honorary degrees or other distinctions in the manner laid down in the Statutes,

(5) to grant such diplomas to, and to provide such lectures and instruction for, persons not being members of the University, as the University may determine;

(6) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine;

(7) to institute professorships, readerships, lecturerships and other teaching posts required by the University and to appoint

persons to such professorships, readerships, lecturerships and other posts;

(8) to institute and award fellowships (including travelling fellowships), scholarships, studentships, exhibitions and prizes in accordance with the Statutes and the Ordinances;

(9) to institute and maintain Halls and hostels and to recognise places of residence for students of the University;

(10) to demand and receive such fees and other charges as may be prescribed by the Ordinances;

(11) to supervise and control the residence and to regulate the discipline of students of the University, and to make arrangements for promoting their health;

(12) to make special arrangements in respect of the residence discipline, and teaching of women students;

(13) to create administrative, ministerial and other necessary posts and to make appointments thereto; and

(14) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University.

5. *Visitor.*—(1) The President of India shall be the Visitor of the University.

(2) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories and equipment and of any institution maintained by the University, and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the University.

(3) The Visitor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

(4) The Visitor may address the Vice-Chancellor with reference to the result of such inspection and inquiry, and the Vice-Chancellor shall communicate to the Executive Council the views of the Visitor with such advice as the Visitor may offer upon the action to be taken thereon.

(5) The Executive Council shall communicate through the Vice-Chancellor to the Visitor such action, if any, as it is proposed to take or has been taken upon the result of such inspection or inquiry.

(6) Where the Executive Council does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Executive Council, issue such directions as he may think fit and the Executive Council shall be bound to comply with such directions.

(?) Without prejudice to the foregoing provisions of this section the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with this Act, the Statutes or the Ordinances:

Provided that before making any such order, he shall call upon the University to show cause why such an order should not be made and if any cause is shown within a reasonable time, shall consider the same.

**6. Chief Rector and Rectors.**—(1) The Governor of the State of Uttar Pradesh shall be the Chief Rector of the University.

(2) Such persons, as may be appointed in this behalf in accordance with the Statutes, shall be the Rectors of the University."

**4. Substitution of section 7 in Act XVI of 1915.**—For section 7 of the principal Act, the following section shall be substituted, namely:—

**"7. Officers and authorities of the University.**—The following shall be the officers and authorities of the University.—

#### OFFICERS OF THE UNIVERSITY

- (i) The Chancellor,
- (ii) The Pro-Chancellor.

Provided that until one of the two Pro-Chancellors holding office at the commencement of the Benares Hindu University (Amendment) Act, 1951, ceases to hold office, there shall be two Pro-Chancellors,

- (iii) The Vice-Chancellor,
- (iv) The Pro-Vice-Chancellor,
- (v) The Treasurer,
- (vi) The Registrar,
- (vii) The Deans of the Faculties, and

(viii) Such other persons in the service of the University as may be declared by the Statutes to be the officers of the University.

#### AUTHORITIES OF THE UNIVERSITY

- (i) The Court,
- (ii) The Executive Council,
- (iii) The Academic Council,
- (iv) The Standing Committee of the Academic Council,
- (v) The Finance Committee,
- (vi) The Faculties, and
- (vii) Such other authorities as may be declared by the Statutes to be authorities of the University."

**5. Amendment of section 9, Act XVI of 1915.**—In section 9 of the principal Act,—

(a) in sub-section (1),—

(i) the words “in administrative matters,” shall be omitted;

(ii) for the words and brackets “the Senate (save when the Senate has acted in accordance with powers conferred on it under this Act, the Statutes or the Regulations)” the words and brackets “the Executive Council, the Academic Council and the Standing Committee of the Academic Council (save when these authorities have acted in accordance with powers conferred on them under this Act, the Statutes or the Ordinances)” shall be substituted;

(b) sub-section (2) shall be omitted.

**6. Amendment of section 10, Act XVI of 1915.**—For sub-section (1) of section 10 of the principal Act, the following sub-section shall be substituted, namely:—

“(1) The Executive Council shall be the executive body of the University.”

**7. Amendment of section 11, Act XVI of 1915.**—In section 11 of the principal Act—

(a) in sub-section (1) the word “entire” shall be omitted;

(b) sub-section (2) shall be omitted.

**8. Amendment of section 12, Act XVI of 1915.**—For section 12 of the principal Act, the following section shall be substituted, namely:—

*“12. The Standing Committee of the Academic Council.*—There shall be a Standing Committee of the Academic Council which shall exercise such powers and perform such duties as may be vested in it by the Statutes.”

**9. Amendment of section 13, Act XVI of 1915.**—For sub-section (1) of section 13 of the principal Act, the following sub-section shall be substituted, namely:—

“(1) The accounts of the University shall, once at least in every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India.”

**10. Amendment of section 14, Act XVI of 1915.**—In section 14 of the principal Act, for the words “the States” the word “India” shall be substituted.

**11. Amendment of section 15, Act XVI of 1915.**—In section 15 of the principal Act,—

(a) in sub-section (1), for the words “institutions in Benares” the words “institutions including High Schools, within a radius of fifteen miles from the main temple of the University” shall be substituted;

(b) in sub-section (2), for the words “institutions in Benares” the words “institutions including High Schools, within the aforementioned limits” shall be substituted.

**12. Amendment of section 16A, Act XVI of 1915.**—In section 16A of the principal Act, after the word "fund" the words "or provide such insurance scheme" shall be inserted

**13. Amendment of section 17, Act XVI of 1915.**—In section 17 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the constitution, powers and duties of the Court, the Executive Council, the Academic Council, the Standing Committee of the Academic Council, the Finance Committee and such other bodies, as may be deemed necessary to constitute from time to time;

(b) the election and continuance in office of the members of the said bodies, including the continuance in office of the first members, and the filling of vacancies of members, and all other matters relative to those bodies for which it may be necessary or desirable to provide;

(c) the appointment, powers and duties of the officers of the University;

(d) the constitution of a pension or provident fund and the establishment of an insurance scheme for the benefit of the officers, teachers and other employees of the University;

(e) the conferment of honorary degrees;

(f) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(g) the establishment and abolition of Faculties, Departments, Halls, Colleges and institutions,

(h) the conditions under which colleges and other institutions may be admitted to the privileges of the University and the withdrawal of such privileges;

(i) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes; and

(j) all other matters which by this Act are to be or may be provided by the Statutes.";

(ii) for sub-sections (3), (4) and (5), the following sub-sections shall be substituted, namely:—

"(3) The Court may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereinafter in this section provided.

(4) The Executive Council may propose to the Court the draft of any Statute to be passed by the Court, and such draft shall be considered by the Court at its next meeting.

(5) The Court may approve any such draft as is referred to in sub-section (4) and pass the Statute or reject it or return it to the Executive Council for reconsideration, either in whole or in part, together with any amendments which the Court may suggest:

Provided that the Executive Council shall not propose the draft of any Statute or of any amendment of a Statute affecting the status, powers or constitution of any existing authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal, and any opinion so expressed shall be in writing and shall be considered by the Court.

(6) Any member of the Court may propose to the Court the draft of any Statute and the Court may either reject the proposal or refer such draft for consideration to the Executive Council, which may either reject the proposal or submit the draft to the Court in such form as the Executive Council may approve, and the provisions of this section shall apply in the case of any draft so submitted as they apply in the case of a draft proposed to the Court by the Executive Council.

(7) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may sanction, disallow or remit it for further consideration."

**14. Substitution of new sections for sections 18 and 19 in Act XVI of 1915.**—For sections 18 and 19 of the principal Act, the following sections shall be substituted, namely:—

"18. *Ordinances.*—(1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

(a) the admission of students to the University and their enrolment as such;

(b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;

(c) the degrees, diplomas, certificates and other academic distinctions to be awarded by the University, the qualifications for the same, and the means to be taken relating to the granting and obtaining the same;

(d) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University;

(e) the conditions of the award of fellowships, scholarships, studentships, exhibitions, medals and prizes;

(f) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(g) the maintenance of discipline among the students of the University;

- (h) the conditions of residence of students at the University;
  - (i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students, and the prescribing for them of special courses of study;
  - (j) the giving of religious instruction;
  - (k) the emoluments and the terms and conditions of service of teachers of the University;
  - (l) the management of Colleges and other institutions founded or maintained under sub-section (1) of section 15;
  - (m) the supervision and inspection of Colleges and other institutions admitted to privileges of the University under sub-section (2) of section 15; and
  - (n) all other matters which by this Act or the Statutes are to be or may be provided for by the Ordinances.
- (2) The Regulations of the University as in force immediately before the commencement of the Benares Hindu University (Amendment) Act, 1951, shall be deemed to be the first Ordinances made under this section.
- (3) The said Ordinances may be amended, repealed or added to at any time by the Executive Council.

Provided that—

- (i) no Ordinance shall be made affecting the conditions of residence or discipline of students, except after consultation with the Academic Council;
- (ii) no Ordinance shall be made—
  - (a) affecting the admission or enrolment of students or, prescribing examinations to be recognised as equivalent to the University examinations, or
  - (b) affecting the conditions, mode of appointment or duties of examiners or the conduct or standard of examinations or any course of study,

unless a draft of such Ordinance has been proposed by the Academic Council.

(4) The Executive Council shall not have power to amend any draft proposed by the Academic Council under the provisions of sub-section (3) but may reject the proposal or return the draft to the Academic Council for reconsideration; either in whole or in part, together with any amendments which the Executive Council may suggest.

(5) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Central Government and the Central Government may, by order, direct that the proposed Ordinance shall be laid before the next meeting of the Court for its approval and that pending such

approval it shall have effect from such date as may be specified in the order;

Provided that if the Ordinance is not approved by the Court at such meeting, it shall cease to have effect.

(6) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Visitor and the Court, and shall be considered by the Court at its next meeting and the Court shall have power, by a resolution passed by a majority of not less than two-thirds of the members voting, to cancel any Ordinance made by the Executive Council, and such Ordinance shall from the date of such resolution cease to have effect.

(7) The Visitor may, by order, direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance, and any order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order or on the expiration of fifteen days from the date of consideration of the Ordinance by the Court, whichever period expires later.

(8) The Visitor may, at any time after an Ordinance has been considered by the Court, signify to the Executive Council his disallowance of such Ordinance, and from the date of receipt by the Executive Council of intimation of such disallowance, such Ordinance shall cease to have effect.

19. *Power to make Regulations.*—(1) The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances—

(a) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;

(b) providing for all matters which by this Act, the Statutes or the Ordinances are to be prescribed by Regulations; and

(c) providing for all matters solely concerning such authorities or committees appointed by them and not provided for by this Act, the Statutes or the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Executive Council may direct the amendment, in such manner as it may specify, of any Regulation made under this section or the annulment of any such Regulation.

Provided that any authority of the University which is dissatisfied with any such direction may appeal to the Court, whose decision in the matter shall be final.

19A. *Conditions of service of officers and teachers.*—(1) Every salaried officer and teacher of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the officer or teacher concerned.

(2) Any dispute arising out of a contract between the University and any of its officers or teachers shall, at the request of the officer or teacher concerned or at the instance of the University, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the officer or teacher concerned and an umpire appointed by the Visitor, and the decision of the Tribunal shall be final."

**15. Temporary provision for amendment of Statutes.**—The Central Government may, by notification in the Official Gazette, make such adaptations and modifications in the Statutes in force immediately before the commencement of this Act as in its opinion may be necessary or expedient to bring the provisions of the Statutes into accord with the provisions of the principal Act as amended by this Act:

Provided that nothing in this section shall be deemed to empower the Central Government to make any adaptation or modification of any such Statutes after the expiration of three months from the commencement of this Act.

**16. Transitional provisions.**—Any officer or authority of the University exercising any functions under the principal Act, immediately before the commencement of this Act, shall continue to exercise such functions until the corresponding new officer or authority is appointed, elected or constituted in accordance with the provisions of the principal Act as amended by this Act or the Statutes as adapted or modified under this Act

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K. V. K. SUNDARAM,

*Secy. to the Govt. of India*